

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

Concealed Carry Weapons Permit
SUBJECT

DATE: February 19, 2013

NO: W-2

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: **Concealed Carry Weapons Permit**
Qualified Applicants
Application Process
License Regulations

I. POLICY

The Chief of Police is given the statutory discretion to issue a license to carry a concealed weapon to residents within the community. This policy will provide a written process for the application and issuance/denial of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff of San Joaquin County to process all applications and licenses for the carrying of concealed weapons (Penal Code § 25155 (c)).

II. QUALIFIED APPLICANTS

Except as provided otherwise in this Policy, in order to apply for a license to carry a concealed weapon, the applicant must meet the following requirements:

- A. Be a resident of the city of Stockton
- B. Be at least 21 years of age.
- C. Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- D. Be free from a criminal conviction that would disqualify the applicant from carrying a concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted.
- E. Be of good moral character.
- F. Show good cause for the issuance of the license, including facts establishing there is a clear and present danger to the life or personal safety of the applicant necessitating the carrying of a concealed weapon, and there are no other reasonable means whereby the personal safety of the applicant can be assured.
- G. Pay all associated application fees. These fees are set by statute and City Council resolution and may not be refunded if the application is denied.
- H. Provide proof of ownership and registration of any weapon to be licensed for concealment.
- I. Provide at least three letters of character reference, from individuals other than relatives.
- J. Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon.
- K. Complete required training.

III. APPLICATION PROCESS

The application process for a license to carry a concealed weapon shall consist of two phases. Upon the successful completion of Phase One, the applicant will advance to the next phase until the process is completed and the license is either issued or denied. Within 90 days of the Police

Department's receipt of the completed Phase One application (as set forth below) or within 30 days after the Department's receipt of the applicant's criminal background check from the State Department of Justice, whichever is later, the Police Chief shall notify the applicant in writing whether the application for the license has been approved or denied. Penal Code, § 26205.

A. PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License (CCW) Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 28180 (a) and (b)).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.
2. If an incomplete CCW Application package is received, the Chief of Police or authorized designee may do any of the following:
 - a. Require the applicant to complete the package before any further processing.
 - b. Advance the incomplete package to Phase Two for conditional processing pending completion of all mandatory conditions.
 - c. Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a CCW License even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause, etc.)
3. At the time the completed application is submitted, the applicant shall submit a non-refundable check made payable to the City of Stockton for the required application fee, including 20 percent of the application fees to cover the cost of processing.
 - a. The application fee does not include any additional fees required for additional fingerprinting, training, or psychological testing (if determined to be required).
 - b. Full payment of the remainder of the application fee will be required prior to the issuance of a license.
 - c. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b). (Penal Code, § 26170).
4. The applicant shall be required to submit to Live-Scan fingerprinting and a complete criminal background check by the Department of Justice. A second set of fingerprints may be required for retention in Department files. Two recent passport-size photos (two inches by two inches) of the applicant shall be submitted for Department use. Fingerprint and photograph fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in Penal Code § 29800 and 29900 or Welfare and Institutions Code § 8100 or 8103 may be issued a license to carry a concealed weapon.
5. The applicant shall submit at least three signed letters of character reference from individuals other than relatives.
6. The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment.
7. The applicant must provide articulable facts for the need of a Concealed Weapons License, i.e., good cause, other than for general personal protection. The determination of good cause will be based on the totality of circumstances in each individual case and if the application is for lack of good cause, the determination shall be rational, articulable, and not arbitrary in nature.

8. Once a completed application has been received, the Special Investigations Section Lieutenant will review the application and interview the applicant either by phone or in person. If, on its face, the application demonstrates the applicant fails to meet the minimum standards of this policy, the Lieutenant shall recommend to the Chief of Police (or Roundtable Review Committee) the application be denied. The Lieutenant will prepare an application packet for the Roundtable Review Committee if the application demonstrates the applicant meets the minimum standards of the policy.
9. The Roundtable Review Committee will consist of the Deputy Chief of Operations, an attorney from the City Attorney's Office, the Captain of Investigations, and the Lieutenant of Special Investigations. The Committee will convene as needed to process applications in accordance with statutory time requirements.
10. Once the Roundtable Review Committee has reviewed the completed application package and relevant background information, the Committee will recommend to the Chief of Police that the application be advanced to Phase Two or denied.
11. The Chief of Police shall consider the Committee's recommendation and shall either advance the application to Phase Two or inform the applicant that the application has been denied and the grounds for the denial.

B. PHASE TWO

This Phase is to be completed only by those applicants successfully completing Phase One. During this Phase, there may be further discussion of the applicant's statement of good cause and of any potential restrictions or conditions that may be placed on the issuance of the license.

1. The applicant may be scheduled for a personal interview with the Chief of Police or authorized designee.
2. The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. All costs associated with this requirement shall be paid by the applicant. If such evidence is required, the applicant's failure to provide satisfactory evidence of medical fitness shall result in the application being denied.
3. The Chief of Police may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. This testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that might render him/her unfit to carry a concealed weapon. If based on this testing it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the application shall be denied.
4. The applicant shall complete a 16-hour course of training approved by the City minimally including firearms safety and the laws regarding the permissible use of a firearm.
5. The applicant shall submit any weapon to be considered for a license to an authorized gunsmith for a full safety inspection and certification at the applicant's cost. The Chief of Police reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.
6. The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the Department Range Master, or provide proof of successful completion of another Departmentally-approved firearms

safety and proficiency examination, including completion of all releases and other forms. The cost of any outside examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of Phase Two, the Chief of Police shall issue the license to carry a concealed weapon. If the Chief of Police has not verified the successful completion of the Phase Two requirements within the statutory time frame, the Chief of Police shall deny the application and inform the applicant in writing of the grounds for denial.

IV. LIMITED LICENSE TO CARRY A CONCEALED WEAPON

The authority to issue a limited license to carry a concealed weapon to a non-resident applicant is granted only to the Sheriff of the County in which the applicant works. The Police Chief shall not issue limited licenses (Penal Code § 26150). Therefore, such applicants must be referred to the Sheriff for processing.

An individual who is not a resident of San Joaquin County, but who otherwise successfully completes all portions of Phases One and Two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- 1 The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the city of Stockton.
- 2 Such a license will be valid for a period not to exceed 90 days from the date of issuance.
- 3 The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides.
4. Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides.

V. ISSUED CONCEALED WEAPONS LICENCES

In the event a license to carry a concealed weapon is issued by the Chief of Police, the license will not be valid outside the State of California and the license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry the concealed weapon.

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
3. The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of weapon, restrictions, and other pertinent information clearly visible.
4. Each license shall clearly identify the licensee.
5. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.
6. The license will be valid for a period not to exceed two years from the date of issuance.
7. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.

8. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
9. The licensee shall notify the Department in writing within 10 days of any change of place of residency. If the licensee moves out of the county of issuance, the license shall expire ninety (90) days after the licensee has moved.

VI. LICENSE RESTRICTIONS

- A. The Chief of Police may place special restrictions limiting time, place, and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
 1. Consuming any alcoholic beverage while armed
 2. Falsely representing himself or herself as a peace officer
 3. Unjustified or unreasonable displaying of a weapon
 4. Committing any crime
 5. Being under the influence of any medication or drug while armed
 6. Interfering with any law enforcement officer's duties
 7. Refusing to display his/her license or weapon for inspection upon demand of any peace officer
 8. Limiting the times and places where the applicant can carry a weapon
- B. The Chief of Police reserves the right to inspect any license or licensed weapon at any time or have the weapon inspected by a certified gunsmith at the applicant's cost.
- C. Any ammunition carried in a weapon licensed to be carried concealed shall be inspected and approved by the Department's Range Master or armorer. The carrying of any other ammunition in a licensed weapon shall be grounds for revocation.
- C. The alteration of any previously-approved weapon including, but not limited to, adjusting trigger pull, adding laser sights, or modifications shall void any license and serve as grounds for revocation.

VII. AMENDMENTS TO LICENSES

- A. Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application of License Amendment along with the current processing fee to the Department in order to accomplish one or more of the following:
 1. Add or delete authority to carry a firearm listed on the license
 2. Change restrictions or conditions previously placed on the license
 3. Change the address or other personal information of the licensee
- B. In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment(s). An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

VIII. REVOCATION OF LICENSES

- A. Any license may be immediately revoked by the Chief of Police for any of the following reasons:
 - 1. If the licensee has violated any of the restrictions or conditions placed upon the license
 - 2. If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon
 - 3. If the licensee is determined to be within a prohibited class described in Penal Code § 29800 or 29900 or Welfare and Institutions Code § 8100 or 8103
 - 4. If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license
 - 5. If the licensee establishes residency outside the city of Stockton
- B. The issuance of a license by the Chief of Police shall not entitle the licensee to either a property or liberty interest as the issuance, amendment, or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.
- C. If any license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to Penal Code § 26225.

IX. LICENSE RENEWAL

- A. No later than 90 days prior to the expiration of any valid license to carry a concealed weapon, the licensee may apply to the Chief of Police for a renewal by completing the following:
 - 1. Verifying all information submitted in the original application under penalty of perjury
 - 2. Taking an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm
 - 3. Submitting any weapon to be considered for a license renewal to a certified gunsmith for a full safety inspection and written certification
 - 4. Completing successfully a firearms safety and proficiency examination with the weapon to be renewal licensed to be administered by the Range Master, including completion of all releases and other forms
 - 5. Paying a non-refundable renewal application fee
- B. Once the Chief of Police or authorized designee has verified the successful completion of a renewal application, the renewal of the license to carry a concealed weapon will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.
- C. The Police Chief shall notify the applicant in writing within 90 days of the Department's receipt of a completed renewal application.

X. DEPARTMENT REPORTING AND RECORDS

- A. Pursuant to Penal Code §26225, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the Department of Justice:
 - 1. The denial of a license
 - 2. The denial of an amendment to a license
 - 3. The issuance of a license
 - 4. The amendment of a license
 - 5. The revocation of a license

- B The Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges, magistrates, and commissioners.

XI. CONFIDENTIAL RECORDS

- A. The home address and telephone number of any peace officer, magistrate, commissioner, or judge contained in any application or license shall not be considered a public record (Government Code § 6254(u)(2)).
- B. Any information in any application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered a public record (Government Code § 6254(u)(1)).